

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	Criminal Case No. 2:24-MJ-01847-DLM
)	
JESUS GILBERT LOPEZ, JR.,)	
)	
Defendant.)	

**DEFENDANT'S UNOPPOSED MOTION
TO EXTEND GRAND JURY DEADLINE**

Defendant, Jesus Gilbert Lopez, Jr., through his counsel, Russell Dean Clark, requests a continuance of one hundred and nine days, or until July 25, 2025, to bring this case before the grand jury for indictment under 18 U.S.C. § 3161(h)(7)(A). As grounds undersigned counsel states:

On December 23, 2025, the defendant was arrested pursuant to a criminal complaint charging him with production of child pornography, in violation of 18 U.S.C. § 2251 (a). *See* Doc. 1. On December 31, 2024, the defendant filed a Waiver of Preliminary Hearing and Request for Tolling of Grand Jury Presentment. *See* Doc. 15. The Court granted the Preliminary Hearing Waiver and Grand Jury Extension. On December 31, 2024, a detention hearing was held, and the Court ordered the detention of the defendant. *See* Doc. 14. On January 6, 2025, the defendant filed a Notice of Appeal of the Detention Order. *See* Doc. 17. On January 17, 2025, the United States filed a Sealed Response with exhibits related to the Notice of Appeal. *See* Doc. 20. On January 23, 2025, the District Court upheld the detention of the defendant. *See* Doc. 25. From this point, the case is proceeding along a familiar path, the United States is working to

provide complete discovery and has begun to engage in plea negotiations between the United States, the defendant and defense counsel.

The defendant's case is laden with discovery in the form of reports, videos, interview and data dumps from multiple electronic devices and social media accounts. The United States would like the opportunity to provide complete discovery and allow defense counsel to review this discovery with the defendant. The United States is still receiving and reviewing discovery but anticipates a plea agreement will be extended to the defendant and the plea agreement offered will only be available to the defendant pre-indictment. Undersigned counsel needs additional time to review all the discovery and plea offer with the defendant. Accordingly, the defendant's interests will be harmed if he is indicted because the plea offer will no longer be available post-indictment. Accordingly, undersigned counsel needs additional time to review the discovery and work with the United States to see if a pre-indictment resolution can take place.

Given the fact that ongoing plea negotiations with the United States require additional time and the potential consequences to the defendant's position if he is indicted, the ends of justice will be served by a continuance of the grand jury deadline for one hundred and nine days, or until July 25, 2025. Additionally, the defendant will not suffer any prejudice if the motion is granted.

Assistant United States Attorney, Silvia Delgado, has been contacted and does not oppose this motion.

Wherefore, pursuant to 18 U.S.C. § 3161 (h)(7)(A) and mindful of the mandate of *United States v. Toombs*, 574 F.3d 126 (10th Cir. 2009)— the defendant moves this Court for an additional one hundred and nine day continuance of the grand jury time, or until July 25, 2025, 2024, to allow the parties to complete the ongoing and mutually beneficial negotiations regarding

resolution of this matter. Because of the high stakes involved for the defendant, his interest in having additional time outweighs his and the public's interest in a speedy trial.

Respectfully submitted by,

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Electronically filed on 3/6/2025
By: /s/ RUSSELL DEAN CLARK